

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

TREVOR FITZGIBBON

Plaintiff,

V.

JESSELYN A. RADACK

Defendant.

Case No. 3:19-cv-477-REP

MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiff, Trevor Fitzgibbon (“Plaintiff” or “Fitzgibbon”), by counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Civil Rule 56, hereby moves the Court to enter summary judgment in favor of Plaintiff on his claim of breach of contract against defendant, Jesselyn Radack (“Radack”).

There are no genuine issues of material fact and Plaintiff is entitled to judgment as a matter of law.

In accordance with Rule 56(c), Plaintiff's motion for summary judgment is supported by:

- The Declaration of Trevor Fitzgibbon, accompanying and filed simultaneously with this Motion;
- The Declaration of Eric A. Morgan, accompanying and filed simultaneously with this Motion.

The arguments and legal bases for summary judgment are stated more fully by Plaintiff in a Memorandum in Support of Motion for Summary Judgment, being filed contemporaneously with this Motion.

WHEREFORE, Trevor Fitzgibbon respectfully requests the Court to enter partial summary judgment in his favor against Radack, and to find that Radack breached the settlement agreement and that her breaches caused Fitzgibbon damages, including liquidated damages, attorney's fees and costs.

DATED: May 28, 2020

TREVOR FITZGIBBON

By: /s/ Steven S. Biss

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Counsel for the Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2020 a copy of the foregoing was filed electronically using the Court's CM/ECF system, which will send notice of electronic filing to counsel for the Defendant and all interested parties receiving notices via CM/ECF.

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